

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY JAMES HORTON,

Defendant.

4:15CR3022

PRELIMINARY ORDER OF FORFEITURE

This matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 44). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has agreed to plead guilty to Count I and the Forfeiture Allegation of the Indictment filed herein. Count I charged the Defendant with the receipt and distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). The Forfeiture Allegation sought the forfeiture, pursuant to 18 U.S.C. § 2253, of the following properties on the basis they were used or were intended to be used to facilitate said violation.

1. Samsung Digital Video Recorder, Serial No. KGW86V2DI02563N
2. SP MicroSD 4GB; and
3. Digital Concepts Pink Video Camera
4. Samsung Galaxy S3 with 16GB SD Card SN: R28F4DF78XH;
5. Sony Handycam DCR-sx45, blue with tripod, Serial No. 1264077;
6. pink USB 32GB Jump Drive;
7. 2 CDs
8. Black Nylon bag containing Misc SD cards;
9. Samsung Galaxy III White Cellphone with SD card, Serial No. 99000452455731
10. HP Laptop, Serial No. 00196-093-824-656
11. Four (4) Thumbdrives and One (1) SD Card
12. Two (2) Micro SD Cards
13. Seagate External Hard Drive;
14. Samsung DVR, Toshiba Hard drive and 2 Thumbdrives;

15. Black Night Owl DVR;
16. Black Samsung Digital Camera, Serial No. A I ZOC90SB 11711 A;
17. Samsung Galaxy II Tablet in a brown leather case;
18. Leather Case with 14- 8 mm compact video/adapater;
19. Sony Digital video Recorder, Serial _No. 1650639;
20. SCOSCHE 2GB Storage Card;
21. Black Toshiba Laptop Computer and Powercord, Serial No. 6D376055Q;
22. Black Samsung Galaxy S Cell Phone without SD Card, Serial No. SCHS- S950C(GP);
23. Nine (9) Interior Camera's, 19 Outdoor Digital Video Surveillance Camera's;
24. Cobra Digital Video Recorder and power cord;
25. Purple in color Lexar Jump Drive - 120 MB;

2. By virtue of said guilty plea, the Defendant forfeits his interest in the above-described properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 2253.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the following properties:

1. Samsung Digital Video Recorder, Serial No. KGW86V2DI02563N
2. SP MicroSD 4GB; and
3. Digital Concepts Pink Video Camera
4. Samsung Galaxy S3 with 16GB SD Card SN: R28F4DF78XH;
5. Sony Handycam DCR-sx45, blue with tripod, Serial No. 1264077;
6. pink USB 32GB Jump Drive;
7. 2 CDs
8. Black Nylon bag containing Misc SD cards;
9. Samsung Galaxy III White Cellphone with SD card, Serial No. 99000452455731
10. HP Laptop, Serial No. 00196-093-824-656
11. Four (4) Thumbdrives and One (I) SD Card
12. Two (2) Micro SD Cards
13. Seagate External Hard Drive;

14. Samsung DVR, Toshiba Hard drive and 2 Thumbdrives;
15. Black Night Owl DVR;
16. Black Samsung Digital Camera, Serial No. A I ZOC90SB 11711 A;
17. Samsung Galaxy II Tablet in a brown leather case;
18. Leather Case with 14- 8 mm compact video/adapater;
19. Sony Digital video Recorder, Serial _No. 1650639;
20. SCOSCHE 2GB Storage Card;
21. Black Toshiba Laptop Computer and Powercord, Serial No. 6D376055Q;
22. Black Samsung Galaxy S Cell Phone without SD Card, Serial No. SCHS- S950C(GP);
23. Nine (9) Interior Camera's, 19 Outdoor Digital Video Surveillance Camera's;
24. Cobra Digital Video Recorder and power cord;
25. Purple in color Lexar Jump Drive - 120 MB;

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 2253.

D. The aforementioned properties are to be held by the United States in its secure custody and control.

E. Pursuant to 18 U.S.C. § 2253, the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site, www.forfeiture.gov, notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 18 U.S.C. § 2253, in which all interests will be addressed.

ORDERED this 29th day of October, 2015.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge